IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 12852 of 2001

Between:

1 The Deputy Executive Engineer,
Panchayat Raj, Sub Division - II,
Narasaraopet.
2 The Exeuctive Engineer,
Panchayat Raj Division, Narasaraopet.

..... PETITIONERS.

AND

1 R.Suribabu, S/o.Vasanta Rao,
5-8-31, Old Town, Near Hanuman Temple,
Narasaraopet.
2 The Presiding Officer,
Labour Court, Guntur.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction and to call for the records relating to the award passed by the Labour Court, Guntur in ID.No.298/94, Dt.10/11/2000 publishing vide GO.Rt.No.1046, Dt.28/4/2001 issued by the Labour Employment, Training and Factories Department and quash the same by issuance of a Writ of Certiorari and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case and to allow the Writ Petition with costs.

Counsel for the Petitioners: GP FOR PANCHAYAT RAJ & RURAL DEV.

Counsel for the Respondent No.1: MR.P.V.KRISHNAIAH

Counsel for the Respondent No.2: G.P. for Labour.

The Court made the following :

ORDER:

Heard the learned Government Pleader for Panchayat Raj and Rural Development and Sri V.Krishnaiah, the learned counsel appearing for the first respondent and the learned Government Pleader for the second respondent.

The petitioners herein, who belong to Panchayat Engineering Division, filed this writ petition, *inter alia,* seeking to assail the Award in I.D.No.298 of 1994, dated 10.11.2000 as published in G.O.Rt.No.1046, dated 28.04.2001 as illegal.

The case of the petitioners is that in pursuance of a reference sought at the instance of the first respondent claiming to be as an NMR and there being illegal termination, the matter was referred to the second respondent and ultimately after holding an enquiry the impugned award was passed directing reinstatement of the petitioner therein with continuity of service and also full back wages. According to the petitioners, in fact, the work, which was entrusted to the first respondent was only for a certain period and when once that work is over, the first respondent has no right to continue in service. Further, it is the case of the petitioners that the first respondent worked up to 30.12.1993 and thereafter he voluntarily left the employment and did not join once again. Therefore, there is clear abandonment of service. Hence, no relief could not have been granted by the second respondent.

Sri P.V.Krishnaiah, the learned counsel appearing on behalf of the first respondent sought to repel the above contentions on the ground that except certain allegations, no material was produced on behalf of the petitioners nor there was any truth behind the same. Hence, the same cannot be accepted.

Considering the submissions made across the Bar from both the sides, the question which falls for consideration is as to whether in the facts and circumstances the second respondent was right in passing the impugned Award directing reinstatement of the first respondent with continuity of service and back wages?

There is no dispute to the basic fact that the first respondent was engaged by the petitioners for the work with them. However, according to the petitioners, the said appointment is only for a contractual period and it will not go beyond the same nor create any right. Further, it is also the case of the petitioners that the first respondent himself voluntarily abandoned the service, hence, no relief can be granted.

It is to be seen that in view of the specific allegations as made from both the sides, it is only the first respondent who produced the evidence on himself as W.W.1 and marked Exs.W.1 and W.2 whereas no evidence was produced on behalf of the petitioners in support of their pleas. It is too late in the day to accept any such pleas on the part of the petitioners herein more so especially in absence of any evidence in their side and also no explanation is forthcoming as to why no evidence has been produced, the findings as arrived at by the second respondent cannot be said to be perverse or otherwise. Hence, I do not find any merits in the writ petition.

The writ petition is dismissed. No costs.

_____

B. PRAKASH RAO, J

15th March 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 The Deputy Executive Engineer,
Panchayat Raj, Sub Division - II,
Narasaraopet.
2 The Executive Engineer,
Panchayat Raj Division, Narasaraopet.

3 The Presiding Officer,
Labour Court, Guntur.

4 Two C.Cs. to the G.P. for Panchayat Raj & Rural Development,
High Court Buildings, Hyderabad(OUT).

5. Two C.Cs. to the G.P. for Labour, High Court Buildings,
Hyderabad (OUT).

6. Two C.D. copies.